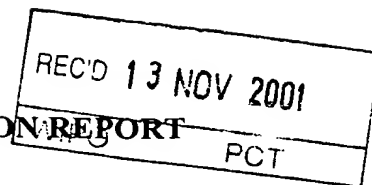


PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



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| Applicant's or agent's file reference 40447635 | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416). | |
| International Application No. PCT/AU00/00937 | International Filing Date (day/month/year) 7 August 2000 | Priority Date (day/month/year) 6 August 1999 |
| International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ G06F 17/40, 17/60, H04L 12/66 | | |
| Applicant RED SHERIFF LIMITED et al | | |

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|------|--|---|-------------------------------------|---------------------|----|--------------------------|----------|-----|--------------------------|--|----|--------------------------|----------------------------|---|-------------------------------------|---|----|--------------------------|-------------------------|-----|--------------------------|--|------|--------------------------|---|
| 1. | This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36. | | | | | | | | | | | | | | | | | | | | | | | | |
| 2. | <p>This REPORT consists of a total of 3 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheet(s).</p> | | | | | | | | | | | | | | | | | | | | | | | | |
| 3. | <p>This report contains indications relating to the following items:</p> <table border="0"> <tr> <td>I</td> <td><input checked="" type="checkbox"/></td> <td>Basis of the report</td> </tr> <tr> <td>II</td> <td><input type="checkbox"/></td> <td>Priority</td> </tr> <tr> <td>III</td> <td><input type="checkbox"/></td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td>IV</td> <td><input type="checkbox"/></td> <td>Lack of unity of invention</td> </tr> <tr> <td>V</td> <td><input checked="" type="checkbox"/></td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td>VI</td> <td><input type="checkbox"/></td> <td>Certain documents cited</td> </tr> <tr> <td>VII</td> <td><input type="checkbox"/></td> <td>Certain defects in the international application</td> </tr> <tr> <td>VIII</td> <td><input type="checkbox"/></td> <td>Certain observations on the international application</td> </tr> </table> | I | <input checked="" type="checkbox"/> | Basis of the report | II | <input type="checkbox"/> | Priority | III | <input type="checkbox"/> | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | IV | <input type="checkbox"/> | Lack of unity of invention | V | <input checked="" type="checkbox"/> | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | VI | <input type="checkbox"/> | Certain documents cited | VII | <input type="checkbox"/> | Certain defects in the international application | VIII | <input type="checkbox"/> | Certain observations on the international application |
| I | <input checked="" type="checkbox"/> | Basis of the report | | | | | | | | | | | | | | | | | | | | | | | |
| II | <input type="checkbox"/> | Priority | | | | | | | | | | | | | | | | | | | | | | | |
| III | <input type="checkbox"/> | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | | | | | | | | | | | | | | | | | | | | | | | |
| IV | <input type="checkbox"/> | Lack of unity of invention | | | | | | | | | | | | | | | | | | | | | | | |
| V | <input checked="" type="checkbox"/> | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | | | | | | | | | | | | | | | | | | | | | | |
| VI | <input type="checkbox"/> | Certain documents cited | | | | | | | | | | | | | | | | | | | | | | | |
| VII | <input type="checkbox"/> | Certain defects in the international application | | | | | | | | | | | | | | | | | | | | | | | |
| VIII | <input type="checkbox"/> | Certain observations on the international application | | | | | | | | | | | | | | | | | | | | | | | |

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| Date of submission of the demand 26 February 2001 | Date of completion of the report 2 November 2001 - 8 NOV 2001 |
| Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929 | Authorized Officer DALE E. SIVER Telephone No. (02) 6283 2196 |

I. Basis of the report1. With regard to the **elements** of the international application:*

- ☐ the international application as originally filed.
- ☒ the description, pages **1-20**, as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☒ the claims, pages **21-29**, as originally filed,
pages , as amended (together with any statement) under Article 19,
pages , filed with the demand,
pages , received on with the letter of
- ☒ the drawings, figures 1-7, as originally filed,
pages , filed with the demand,
fError! Bookmark not defined.
- ☐ the sequence listing part of the description:
pages , as originally filed
pages , filed with the demand
pages , received on with the letter of

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|-----|
| Novelty (N) | Claims 1-49 | YES |
| | Claims | NO |
| Inventive step (IS) | Claims 1-49 | YES |
| | Claims | NO |
| Industrial applicability (IA) | Claims 1-49 | YES |
| | Claims | NO |

2. Citations and explanations (Rule 70.7)

D1 US 5931912 (Wu et al.) 3 August 1999

D2 US 5796952 (Davis et al.) 18 August 1998

D3 WO 98/26529 (Nielsen Media Research Inc.) 18 June 1998

D4 **New Citation**

"Analysing Web Site Traffic" A Sane Solutions White Paper ©1999

URL <http://www.sane.com/products/NetTracker/whitepapers.html>

Note: other versions of the white paper exist corresponding to the NetTracker versions 3.5, 4X, 5X, ...

Novelty

All citations relate to internet usage monitoring. Citations D1 and D2 relate to monitoring of usage statistics (particularly for internet clients). Citations D1, D2 do not teach how to combine usage statistics (or data) from a variety of resources. D3 is the closest prior art identified in the search that has a publication date, which is **clearly before** the priority date of the present application (as required under PCT Rules). D3 does disclose producing statistics about internet usage from a variety of different sources. D3 does not explicitly teach the combination (or fusion) of these multiple data sources into a single data source which is then made available to interested parties. The claims are therefore novel in light of D1 to D3.

Inventive Step

After careful consideration of the Inventive Step (IS) requirements it is my opinion that the claims satisfy IS requirements of the PCT in light of D3, because D3 is wholly silent on how to combine or fuse different internet usage data sources into a single source of data and make it available to interested parties. Similarly, it was not common general knowledge to fuse data from various internet usage data sources at the priority date. Other citations do not teach this fusion and therefore the claims satisfy IS in light of any obvious combinations of the listed documents.

Citation D4 (regarding NetTracker Enterprise versions 3.5, 4.0, 5.0 etc.) does appear to disclose the "fusion" of a variety of internet usage data sources. This document has not been proven to have a publication date, which is **clearly before** the priority date of this application and so can not be used under PCT rules. This new citation is provided purely for information purposes, and may be relevant depending on variations in National Laws.